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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,222	11/14/2003	Leslie Dawn Waits	9195	2555

27752 7590 12/15/2005

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EXAMINER
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DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/714,222

Applicant(s)

WAITS ET AL.

Examiner

Lorna M. Douyon

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-18 and 20-29 is/are rejected.
- 7) ☒ Claim(s) 7 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Objections***

1. Claims 6, 18 and 22 are objected to because of the following informalities:
  - a) in claims 6 and 18, line 3 of each, “water-insoluble zinc” should have been rewritten as “water-soluble zinc salt”;
  - b) in claim 22, line 4, “polyvinyl alcohol” is a repetition.Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. Claims 3, 4, 9, 10-12, 15, 21, 25-26 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 2, the phrase “the wash and/or rinse liquor” lacks support with respect to claim 1.

In claim 4, line 1, the phrase “said liquid composition” lacks support with respect to claim 3.

In claims 9 and 21, line 1 of each, the phrase “said dissolution or disruption” lacks support with respect to claim 1 and 13, respectively.

In claim 10, line 3, and claim 11, line 2, the members of the Markush language, in particular, “polymer(s)” read upon the other polymers like “polyvinyl alcohol”, “polycarboxylate materials”, “ethylene vinyl acetate”, and claims in which the recited components may read upon another do not meet the requirements of 35 U.S.C. 112, second paragraph, see *Ex parte Ferm*, 162 USPQ 504 (BPAI 1968). It is suggested that “polymers” be deleted.

Art Unit: 1751

In claim 12, line 2, "PVA" should be spelled out.

In claim 15, line 2, the phrase "the wash and/or rinse liquor" lacks support with respect to claim 13.

In claim 25, the phrase "the wash and/or rinse cycle" in lines 2-3 and "said automatic dishwashing appliance" in line 3 lack antecedent basis in the claim.

In claim 26, the phrase "the wash and/or rinse cycle" in lines 2-3 and "said automatic dishwashing appliance" in line 3 lack antecedent basis in the claim.

In claim 29, line 12, the phrase "the wash and/or rinse cycle" lacks antecedent basis in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 8-11, 13-18, 20-22, 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Caravajal et al. (US Patent No. 4,908,148), hereinafter "Caravajal".

Caravajal teaches a rinse additive composition useful for inhibition of glassware corrosion caused by automatic dishwashing detergents in the dishwasher (see abstract), wherein a liquid rinse additive composition comprises (a) from 0% to about 70% of a low-foaming polyoxyalkylene nonionic surfactant (b) an amount of an insoluble inorganic zinc salt that will provide the composition with a level of zinc of from about 0.01% to about 10% and (c) from

Art Unit: 1751

about 25% to about 90% of a solvent system (see col. 2, lines 41-52). Caravajal also teaches a solid rinse additive composition comprising (a) from 0% to about 70% of a low-foaming polyoxyalkylene nonionic surfactant (b) an amount of an insoluble inorganic zinc salt that will provide the composition with a level of zinc of from about 0.01% to about 10% and (c) from about 30% to about 98% of a binder (see col. 2, lines 54-65). Caravajal also teaches a method of inhibiting glassware corrosion caused by washing with an automatic dishwashing detergent composition comprising adding to the rinse water an amount of an insoluble inorganic zinc salt which provides between 0.5 and 10 ppm solubilized zinc to the rinse water (see col. 2, line 67 to col. 3, line 4). If the rinse additive product is a solid material, the insoluble inorganic zinc salt can simply be blended into a melt of the solid materials prior to incorporating the liquid components (see col. 7, lines 47-51). Alternatively, the insoluble zinc salt may be formed into a prill by dispensing the zinc material into a molten polymer or polymer solution, for example, polyethylene glycol, and then spray drying the mixture (see col. 8, lines 39-49), and said procedure would inherently encapsulate the zinc material. In Example I, Caravajal teaches a solid rinse additive composition comprising 10.0 wt% alkylbenzene ethoxylate, 22.0 wt% polyethyleneglycol, 25 wt% sodium tripolyphosphate (STP) and 5.0 wt% zinc carbonate, wherein the composition is prepared by melting the solid components except for the zinc carbonate and the STP, blending the liquid components and blending the STP and zinc carbonate, and said process would inherently encapsulate the zinc carbonate (see col. 9, lines 10-45). Caravajal teaches the limitations of the instant claims. Hence, Caravajal anticipates the claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 12, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caravajal as applied to the above claims, and further in view of Davies et al. (US Patent No. 4,530,774), hereinafter "Davies".

Caravajal teaches the features as described above. Caravajal, however, fails to disclose an encapsulating agent like polyvinyl alcohol.

Davies teaches the equivalency of polyethylene glycol and polyvinyl alcohol as coating materials for salts in a similar composition (see col. 9, lines 7-21).

Art Unit: 1751

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the polyethyleneglycol of Caravajal with polyvinyl alcohol because the substitution of art recognized equivalents is within the level of ordinary skill in art.

8. Claim 25, in the alternative, claim 26, and claim 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caravajal as applied to the above claims, and further in view of Kennedy (US Patent No. 4,973,416).

Caravajal teaches the features as described above. Caravajal, however, fails to disclose the composition in the form of a unit dose provided as a single or multi-compartment water-soluble pouch or a kit with instructions.

It is known from Kennedy that a liquid and/or solid detergent is packaged in a single unit-dose water-soluble film packet or pouch having one or more discrete separate sections (see abstract; col. 1, lines 10-11; col. 3, lines 14-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to package the composition of Caravajal as a single unit-dose form in a water-soluble pouch because it is known from Kennedy to package detergent products in dosage forms for ease of dispensing, and to reasonably expect the package to have incorporated therein instructions for use because all articles of commerce in the market contain such information.

***Allowable Subject Matter***

9. Claims 7 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim

Art Unit: 1751

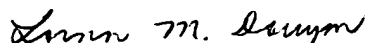
and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record teaches, discloses or suggests a rinse aid composition comprising a glasscare active aluminum sulfate which is at least partially encapsulated.

*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lorna M. Douyon  
Primary Examiner  
Art Unit 1751